

HOUSE No. 30

The Commonwealth of Massachusetts

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
1 ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

The Honorable Steven T. James
Clerk of the House of Representatives
State House, Room 145
Boston, Massachusetts 02133
November 5, 2008

Dear Mr. Clerk:

Pursuant to the provisions of Section 33 of Chapter 30 of the General Laws, I hereby submit the attached legislative recommendations by the Executive Office of Public Safety and Security for consideration during the 2009-2010 legislative session.

Sincerely,

KEVIN M. BURKE,
Secretary.

Executive Office of Public Safety and Security

1. AN ACT CREATING A STATEWIDE MUTUAL AID SYSTEM.

The purpose of this legislation is to create an all-services statewide mutual aid compact for any event, emergency, or disaster that threatens or causes harm to public health, safety, or welfare and that exceeds the response or recovery capabilities of any one governmental unit. Under this legislation, cities and towns may continue to enter into individual mutual aid agreements, and they retain the ability to opt out of the statewide compact.

Criminal History Systems Board

2. AN ACT RELATIVE TO THE CRIMINAL HISTORY SYSTEMS BOARD.

This proposed legislation will change the name of the agency responsible for day-to-day operations at the Criminal History Systems Board (CHSB) to the “Massachusetts Public Safety Information Center” in order to distinguish the agency, and its crucial role of providing information to law enforcement, from the board.

3. AN ACT RELATIVE TO ELECTRONIC NOTIFICATION OF LICENSE EXPIRATION.

The purpose of this legislation is to reduce costs by allowing the CHSB to send electronic notice to firearms licensees of license expiration rather than notification via first class mail.

4. AN ACT RELATIVE TO THE REGULATION OF GUN SHOWS.

The purpose of this legislation is to require organizers of gun shows to provide access to the Massachusetts Instant Record Check System (MIRCS) to firearms dealers at all gun shows, to notify CHSB of the show, and to pay a registration fee. Even though all dealers are required to use MIRCS, this requirement is often ignored at gun shows, so that the background checks conducted do not produce updated information concerning disqualifications.

5. AN ACT TO EXTEND TIME LIMITS FOR THE FIREARMS LICENSING REVIEW BOARD.

The purpose of this legislation is to allow the Firearms Licensing Review Board to properly consider petitions and draft thoughtful decisions by extending the deadline for decisions from 20 days to 60 days.

Department of Correction

6. AN ACT RELATIVE TO COMMUNITY WORK CREWS.

This legislation will to permit inmates to participate in care of public land and facilities while serving the minimum mandatory portion of their sentences. This measure will promote successful re-entry while keeping up with the growing demands for the assistance of community work crews.

7. AN ACT RELATIVE TO WORK RELEASE.

This legislation will remove current restrictions on participation in supervised work release programs by drug offenders who have not yet completed their minimum mandatory sentences.

8. AN ACT RELATIVE TO THE DEFINITION OF STATE PRISON.

The purpose of this legislation is to change definition of “state prison” from the Massachusetts Correctional Institution, Cedar Junction, to any state correctional facility. This change will give the Department of

Correction flexibility to determine where to place an inmate within the state system, helping to reduce overcrowding.

9. AN ACT TO RELATIVE TO THE MASSACHUSETTS TREATMENT CENTER.

The purpose of this legislation is to restore the statutory name of the Nemasket Correctional Center, the state treatment center for sexually dangerous persons, to its original name, the Massachusetts Treatment Center.

10. AN ACT RELATIVE TO TRANSPORTATION OF INMATES.

This legislation provides explicitly that the duties of a correction officer include transportation of inmates, alleviating the current need for correction officers to obtain special state police commissions to transport inmates to hospitals, courts, and other correctional facilities.

11. AN ACT RELATIVE TO TESTING OF INMATES FOR INFECTIOUS DISEASES DANGEROUS TO PUBLIC HEALTH.

The purpose of this legislation is to permit testing of inmates for infectious diseases when correctional staff sustains an unprotected exposure of concern, enabling both the inmate and the correctional officer in question to receive appropriate medical attention .

12. AN ACT TO INCREASE THE AVAILABILITY OF MEDICAL AND MENTAL HEALTH INFORMATION REGARDING INMATES.

The purpose of this legislation is to provide correctional staff with current medical information, and to save duplication of medical testing, by increasing the availability of medical and mental health information regarding inmates as they are transferred between county and state correctional facilities.

13. AN ACT RELATIVE TO CLASSIFICATION.

The purpose of this bill is to eliminate the requirement that classification boards for classification hearings, work release, and work crews must consist of three members. This reform will reduce costs while maintaining the same administrative review process.

Department of Public Safety

14. AN ACT RELATIVE TO AMUSEMENT DEVICES.

This legislation clarifies the authority of the Commissioner of Public Safety to regulate amusement devices and updates and strengthens the standards for owners of amusement devices, including insurance coverage and annual licensure. An unnecessary certification process for inspectors of amusement devices who work on behalf of insurance companies is eliminated. The legislation also institutes a retained revenue account for collected fines and fees.

15. AN ACT RELATIVE TO THE ARCHITECTURAL ACCESS BOARD.

The purpose of this legislation is to extend the jurisdiction of the Architectural Access Board (AAB) to make it co-extensive with the Americans with Disabilities Act. This change will permit the AAB to seek certification of its regulations by the federal government, allowing contractors to comply with both state and federal regulations by referring to a single document, and will improve access for persons with disabilities.

16. AN ACT RELATIVE TO THE RECREATIONAL TRAMWAY BOARD.

This legislation would broaden the definition of “tramway” and “skier” to include snowboarders and tubers, allowing the regulatory oversight of the Recreational Tramway Board to reflect the true population of patrons.

17. AN ACT RELATIVE TO PENALTIES FOR THE OPERATION OF AN UNSAFE ELEVATOR.

The purpose of this legislation is to increase the maximum penalty for violation of any elevator inspection law or regulation from \$500 to \$5,000 to improve compliance.

18. AN ACT RELATIVE TO PUBLIC WAREHOUSEMEN.

The purpose of this legislation is to update the public warehousemen statute and give the Department of Public Safety the power to inspect warehouses and promulgate regulations in order to strengthen oversight.

19. AN ACT RELATIVE TO MEETINGS OF THE BOARD OF BUILDING REGULATIONS AND STANDARDS.

The purpose of this legislation is to eliminate the statutory mandate that meetings of the Board of Building Regulations and Standards occur in May and November in Boston, and instead require at least one meeting per year at venues throughout the Commonwealth as needed.

20. AN ACT RELATIVE TO MEETINGS OF THE BOARD OF ELEVATOR REGULATIONS.

The purpose of this legislation is to eliminate the statutory mandate that meetings of the Board of Elevator Regulations occur on the first Wednesday in May and October each year and instead require a minimum of one meeting per year on an as-needed basis.

Office of the Chief Medical Examiner**21. AN ACT RELATIVE TO QUALIFICATIONS OF THE CHIEF MEDICAL EXAMINER.**

The purpose of this legislation is to amend the statutory qualifications of the chief medical examiner in order to reflect current medical boards.

22. AN ACT RELATIVE TO THE MEDICOLEGAL COMMISSION.

The purpose of this legislation is to revise the membership of the Commission on Medicolegal Investigation in order to reflect current medical boards and societies.

23. AN ACT RELATIVE TO UNCLAIMED PROPERTY.

The purpose of this legislation is to allow the Office of the Chief Medical Examiner (OCME) to dispose of any unclaimed property that the Treasurer will not take into possession because it has no value, and to allow the OCME to destroy decedents' medications except in cases where a District Attorney requires the medications as evidence in an investigation.

24. AN ACT RELATIVE TO TESTING FOR PUBLIC SAFETY PERSONNEL.

In the case an emergency responder sustains an unprotected exposure to a decedent capable of transmitting an infectious disease, this legislation would allow the OCME to test the decedent and inform affected medical and public safety personnel of the results.

25. AN ACT RELATIVE TO FORENSIC ASSISTANCE ON LIVE CASES.

The purpose of this legislation is to allow medical examiners to consult with law enforcement and public health personnel with respect to live patients, as the OCME is sometimes asked to do.

26. AN ACT RELATIVE TO BLOOD TESTING.

The purpose of this legislation is to remove the outdated requirement that the OCME send blood to the Department of State Police lab for testing.

Sex Offender Registry Board**27. AN ACT RELATIVE TO THE COMPOSITION OF THE SEX OFFENDER REGISTRY BOARD.**

The purpose of this legislation is to change the Sex Offender Registry Board's composition to allow any of the three psychologist or psychiatrist positions to be filled by a qualified, licensed mental health professional, such as a licensed social worker. This amendment would allow for a greater pool of qualified candidates to be considered for appointment as board members.

28. AN ACT RELATIVE TO SEX OFFENDERS IN FEDERAL CUSTODY.

This legislation will clarify that the Sex Offender Registry Board (SORB) has jurisdiction over sex offenders in federal custody.

29. AN ACT RELATIVE TO VICTIMS OF SEX OFFENSES.

The purpose of this legislation is to allow the SORB to provide victims who are certified or who have submitted victim impact statements all information about the classification and registration status of the offender, including the offender's final classification, regardless of the level.

30. AN ACT RELATIVE TO PROSECUTION FOR FAILURE TO REGISTER AS A SEX OFFENDER.

The purpose of this legislation is to permit for prosecution of the crime of failure to register as a sex offender in any county where the offender is located.

31. AN ACT REGARDING THE DOCUMENTS OF THE SEX OFFENDER REGISTRY BOARD IN COURT PROCEEDINGS.

This legislation would make official records of the SORB admissible as competent evidence to prove the facts therein, which will reduce the time and costs associated with the SORB staff's presence in court to certify matters concerning the offender's status.

32. AN ACT RELATIVE TO FAILURE TO REGISTER NAME CHANGES AND ALIASES.

The purpose of this legislation is to require sex offenders to provide information to SORB on any and all known names that identify them to the public.

Department of State Police**33. AN ACT RELATIVE TO COMPENSATION FOR OFFICERS INJURED IN THE LINE OF DUTY.**

The purpose of this legislation is to amend G.L. c. 22C, § 16, to allow the State Police not only to pay medical expenses for officers injured in the line of duty, but also to place them on paid leave, consistent with the treatment of municipal police officers.